

REMARKS

This paper is presented in response to the non-final official action mailed June 10, 2008 in which (a) claims 25-48 were pending, (b) claims 25-48 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, and (c) claims 25-48 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. 2003/0212644 A1 (“McLintock”) in view of one or more of U.S. 6,510,992 (“Wells”), and U.S. 2004/0064326 A1 (“Vaghi”), or Official Notice.

By the foregoing, claims 25-38, 41, 43, 46, and 48 are amended and claims 44 and 45 are canceled. Support for the amendment to claim 25 may be found in the specification and claims as originally filed. For example, support may be found at least in claims 20 and 21 and at page 11, lines 13-29 of the application as originally filed. Claims 26-38, 41, 43, 46, and 48 are amended for internal consistency and to better conform to U.S. practice. No new matter is added. Thus, claims 25-43 and 46-48 remain pending and at issue.

This paper is timely filed as it is accompanied by a petition for a one month extension of time and the required fee.

Reconsideration of the application, as amended, is solicited.

35 U.S.C. § 101 Rejections

Applicants respectfully traverse the rejection of claims 25-48 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Supreme Court has recognized that Congress chose the expansive language of 35 U.S.C. § 101 so as to include “anything under the sun that is made by man” as statutory subject matter. *Diamond v. Chakrabarty*, 447 U.S. 303, 308-309 (1980). 35 U.S.C. § 101 defines four categories of inventions that Congress deemed to be the appropriate subject matter of a patent, processes, machines, manufactures and compositions of matter. See MPEP 2106(IV)(A). The first category, processes, defines “actions” (i.e., inventions that consist of a series of steps or acts to be performed). *Id.* The claims clearly recite a series of acts to be performed. The recited actions are carried out by an apparatus, as is evident from consideration of the application as a whole.

The courts have found the following three categories to be outside the scope of statutory subject matter: abstract ideas, laws of nature, and natural phenomena. *Id.* Applicants respectfully submit that the claimed subject matter properly recites a process under 35 U.S.C. § 101, and that the claimed subject matter is not directed to an abstract idea, a law of nature, or a natural phenomenon. As a result, Applicants respectfully submit that the claimed subject matter properly defines statutory subject matter under 35 U.S.C. § 101.

Applicants are aware of no authority that requires method claims to “positively recite the other statutory class to which it is tied.” See the official action, page 2. The official action unreasonably extends the alleged proposition stated in *Diamond v Diehr* that a claimed process should be tied to another statutory class, to another alleged proposition which states that method claims must “positively recite” the other statutory class to which it is tied. See the official action, page 2. When reading the specification and claims as a whole it is clear that the claimed method is tied to a method of sorting mailpieces using an apparatus (a statutory class). In fact, the claimed method now positively recites a “specialized reading device.” Thus, the claimed method is tied to another statutory class. As a result, the claimed subject matter is statutory subject matter under 35 U.S.C. § 101. Applicants respectfully request withdrawal of the rejection of claims 25-43 and 46-48, as amended.

35 U.S.C. § 103(a) Rejections

Applicants respectfully traverse the rejection of claims 25-48 as obvious over one or more of McLintock, Wells, Vaghi, and Official Notice. “All words in a claim must be considered in judging the patentability of the claim against the prior art.” M.P.E.P. § 2143. Each of amended claims 25-43 and 46-48 now recites a method for processing mailpieces comprising, in part, a two-stage process that compares ascertained graphic information to expected graphic information. The cited art fails to disclose or suggest such a two-stage process.

McLintock discloses a method of using remote metering systems to process bulk mail. The McLintock method includes scanning a selected number of mailpieces and extracting a stamp code. The stamp code is compared to manifest

data to ensure compliance. See McLintock paragraph [0031]. However, McLintock fails to disclose or suggest a two-stage comparison process, let alone a two-stage process in which the first step is carried out locally and the second stage is carried out by a central image processing unit.

Likewise, Wells discloses a reporting and tracking method for mailpieces. The method includes a weighing and image capture module that digitizes all address and postage information on a mailpiece. See Wells paragraph [0012]. However, Wells only discloses a single stage comparison of postage data. Wells fails to disclose or suggest a second imaging of mailpieces that fail the first comparison. Thus, Wells fails to disclose or suggest a two-stage comparison process, let alone a two-stage comparison process in which the first step is carried out locally and the second stage is carried out by a central image processing unit.

Vaghi fails to disclose or suggest a two-stage comparison process, nor was Vaghi cited as disclosing such an element.

Because McLintock, Wells, and Vaghi all fail to disclose or suggest a two-stage process of comparing ascertained graphic information to expected information, none of claims 25-43 and 46-48 can be rendered obvious by any combination thereof. Thus, Applicants respectfully request withdrawal of the rejection of claims 25-43 and 46-48.

The claimed method uses two devices in a serial manner to compare the ascertained graphic information to the expected graphic information. The first comparison is carried out at multiple local locations, thus increasing efficiency of the overall process. The second comparison is a much more detailed and sophisticated comparison which is carried out via a central image processing unit. By having the much more expensive central image processing unit carry out fewer comparisons (i.e., only comparing ascertained data that failed a first comparison), the overall cost of the process is lowered (by only having one central image processing unit) while efficiency is increased (by having multiple local image processing units). The local image processing units may be selected from devices which have very high throughputs, or the local image processing units may be selected from devices that

are less detailed in their scanning abilities and therefore less expensive. Regardless of what type of local image processing units are selected, the claimed two-stage method imparts flexibility in the overall design of particular operations. According to the claimed method, only those mailpieces that cause an error in the first comparison are subjected to the second more detailed comparison by the central image processing unit. Overall, the claimed method provides a very high throughput process and at the same time provides a very accurate checking process while minimizing system costs. Thus, the claimed method provides numerous advantages over the prior art.

In view of the claim amendments and remarks, it is submitted that the rejections are overcome, and that all claims are now in condition for allowance. Such action is solicited.

Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

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